

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>OMAR TYRICK SHAW,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>MICHAEL NUTTER</b>	:	
<b>LOUIS GIORLA</b>	:	
<b>MICHELLE FARRELL,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

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**ORDER**

AND NOW, this 6<sup>th</sup> day of March, 2017, upon consideration of “Defendants’ Motion to Dismiss for Failure to State a Claim” (Doc. No. 10) and Defendants’ “Motion to Dismiss for Lack of Prosecution” (Doc. No. 16), it is hereby **ORDERED** that:

- Defendants’ motion to dismiss Claim I for failure to state a claim (Doc. No. 10) is **GRANTED** as to Defendant Nutter, but **DENIED** as to Defendants Giorla and Farrell;
- Defendants’ motion to dismiss Claims II and III for failure to state a claim (Doc. No. 10) is **GRANTED** as to all Defendants;
- Defendants’ motion to dismiss (Doc. No. 16) for lack of prosecution is **DENIED**; and
- Plaintiff is given leave to amend only Count II within **30 (thirty) days** of this Order.

**BY THE COURT:**

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.